

Application No. 10/628,866
Filed: 7/28/03
TC Art Unit: 3735
Confirmation No.: 3828

REMARKS

Claims 30-32, 35 and 37 have been rejected under 35 U.S.C. 102(b) as being anticipated by Lee ('548). Claims 30 and 35 have been rejected under 35 U.S.C. 102(b) as being anticipated by Tantillo. Claims 31 and 36 have been rejected under 35 U.S.C. 103(a) as being unpatentable over Tantillo in view of Lee.

The Lee reference involves a system for recirculating blood that has been removed from the patient undergoing a cardiopulmonary bypass procedure. Lee teaches the use of a pH sensor 21 to measure the blood being recirculated to the patient. Claim 30 has been amended to recite that the method involves the use of an external fluid source and a pH sensor that is positioned within the tissue. Neither Lee or Tantillo teaches the use of the direct tissue pH measurement to control preservation fluid flow rate using a delivery control preservation fluid temperature and system having a plurality of fluid paths.

Claims 1-29, 38 and 39 have been cancelled. New claims 42-51 have been added and are patentable over the cited references for the reasons set forth above.

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The Examiner is encouraged to telephone the undersigned attorney to discuss any matter that would expedite allowance of the present application.

Respectfully submitted,

KHURI ET AL.

By: 

Thomas O. Hoover

Registration No. 32,470

Attorney for Applicant(s)

WEINGARTEN, SCHURGIN,
GAGNEBIN & LEOVICI LLP
Ten Post Office Square
Boston, MA 02109
Telephone: (617) 542-2290
Telecopier: (617) 451-0313

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